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2024 FEB 29 10:11:00 New York February 29, 2024

The Honorable Natasha C. Merle  
District Judge  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

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U.S. DISTRICT COURT  
★ FEB 29 2024  
LONG ISLAND

**Re : Hernandez et al v. Rosso Uptown, Ltd et al Case 2:20 – cv 04026 – JMA – SIL**

**Motion to dismiss for failure to appear and to prosecute pursuant to the Fed. R. C. P. Rule 41**

Dear Judge Merle,

I hope this letter finds you well. I am writing to bring to your attention a matter of concern regarding the conduct of the plaintiffs' legal representation in the case (Hernandez et al v. Rosso Uptown, Ltd et al Case 2:20 – cv 04026 – JMA – SIL).

Mr. Moser, plaintiffs' lawyer, has consistently missed several conference calls and failed to attend in person meetings scheduled by the court, despite his obligations to do so, I understand situations can happen and things need to be pushed back but Mr. Moser has missed not one, not two, not three, not four but **seven** conferences, specifically:

05/10/21 - 09/14/21 - 10/05/21 - 12/02/21 - 03/21/22 - 01/04/24 - 02/27/24.

This disregard for court rules (and for my time as well) and procedures not only disrupts the progress of the case but also undermines the integrity of the legal system. Furthermore, Mr. Moser has an obligation to serve me a copy of every court rule and to upload proof of service, he failed to do that as well. Such behavior sets a dangerous precedent and should not go unpunished.

Given the repeated instances of non-compliance by the plaintiffs' legal representation, I respectfully request that you consider dismiss the case.

Allowing it to proceed under these circumstances would only condone the plaintiffs' lawyer blatant disregard for the court's authority and the rules governing legal proceedings.

I trust that you will carefully review the facts of this situation and take appropriate action to uphold the integrity of the court. Thank you for your attention to this matter.

Sincerely,  
Michael Tizzano

